

EXHIBIT A

DAMIAN & VALORI LLP
ATTORNEYS AT LAW

July 18, 2023

VIA EMAIL

(johnsonali@sec.gov)

Alise Johnson

Senior Trial Counsel

U.S. Securities and Exchange Commission

Re: Receivership Bid and Qualifications – Accanito Capital Group, LLC., Accanito Holdings, LLC., Accanito Equity I, LLC, Accanito Equity II, LLC Accanito Equity III, LLC, Accanito Equity IV, LLC. and Surge LLC (collectively the "Companies")

Dear Ms. Johnson:

I write to express my interest in serving in a fiduciary capacity to assist the U.S. Securities and Exchange Commission in the matter involving the Companies above. We have conducted a conflict check and confirmed that we do not have any conflict with my serving as a fiduciary in this matter.

As reflected in my résumé and the résumé of my law partner Kenneth Dante Murena, we have extensive experience and qualifications to serve in a fiduciary capacity, including matters involving (i) protecting business assets and operations pursuant to the Court's order; (ii) evaluating business practices and reporting to the Court; (iii) the marshaling, securing and sale of a variety of assets, including securities, commodities, shares in closely held companies, insurance proceeds, and other significant assets located throughout the United States and abroad, (iv) the formulation of claims administration processes and distribution plans, (v) the preservation and distribution of receivership assets to defrauded or harmed investors and/or creditors, and (vi) otherwise protecting the interests of investors and creditors. We also have substantial experience pursuing, as appropriate, claims on behalf of the estate against principals and affiliates of receivership entities, third parties including financial institutions and professional service firms, and bankruptcy, probate and other receivership estates.

In this case, I also have the unique experience of serving by agreement as the corporate monitor during the Commission's investigation, while the role has been limited, I have gathered certain of the books and records and have become familiar with the issues in the matter. Such work would provide efficiencies to the Receivership Estate if I were to be appointed. Under the current monitor agreement, the Companies have stopped all spending except as necessary to preserve the assets of the potential estate.

During the past several years, I have served as Receiver or Special Monitor in the following government enforcement actions:

Securities and Exchange Commission v. Today's Growth Consultant LLC d/b/a The Income Store, et al., Case No. 19-CV-08454-ARW, in the U.S. District Court for

Alise Johnson, Esq.
U.S. Securities and Exchange Commission
July 18, 2023
Page 2

the Northern District of Illinois (\$100+ million securities fraud – www.IncomeStoreReceivership.com);

Securities and Exchange Commission v. Onix Capital, LLC, Case No. 16-CV-22678, in the U.S. District Court for the Southern District of Florida (multimillion-dollar Ponzi scheme – www.onixcapitalreceivership.com);

Securities and Exchange Commission v. We The People, Inc. of The United States, Case No. 13-CV-14050-Martinez-McAliley, in the U.S. District Court for the Southern District of Florida (\$75 million securities fraud);

Securities and Exchange Commission v. Aubrey Lee Price, PFG, LLC, et al., Case No. 12-CV-2296, in the U.S. District Court for the Northern District of Georgia (\$55 million securities fraud – www.pfgreceivership.com);

Securities and Exchange Commission v. Sean Healy, Shalese Healy and Sand Dollar Investing Partners, LLC, Case No. 09-CV-1330, in the U.S. District Court for the Middle District of Pennsylvania (\$18 million securities and commodities fraud);

Securities and Exchange Commission v. Richard E. McDonald, Marc D. Roup, Deanna J. Seruga and Joseph I. Emas, Case No. 09-CV-1685, in the U.S. District Court for the Western District of Pennsylvania (\$5 million securities fraud);
Commodity Futures Trading Commission v. Blueprint LLC, Case No. 22-80092-CV-MIDDLEBROOKS, in the U.S. District Court for the Southern District of Florida (multimillion-dollar commodity pool fraud – www.blueprintreceivership.com);

Commodity Futures Trading Commission v. Daniel Fingerhut, et al., Case No. 20-CV-21887-DPG, in the U.S. District Court for the Southern District of Florida (multimillion-dollar binary options affiliate marketing and cryptocurrency fraud – www.digitalplatinumreceivership.com);

Commodity Futures Trading Commission v. Timothy Joseph Atkinson, et al., Case No. 18-CV-23992-JEM, in the U.S. District Court for the Southern District of Florida (\$30 million binary options affiliate marketing fraud – www.allinpublishingreceivership.com);

Commodity Futures Trading Commission v. Hunter Wise Commodities, LLC, et al., Case No. 12-CV-81311-Middlebrooks/Brannon, in the U.S. District Court for the Southern District of Florida (\$145 million precious metals investigation – www.hunterwisemanager.com);

Commodity Futures Trading Commission v. Worth Group, Inc., et al., Case No. 13-80796-CV-Ryskamp, in the U.S. District Court for the Southern District of Florida (\$30 million precious metals investigation);

Alise Johnson, Esq.
U.S. Securities and Exchange Commission
July 18, 2023
Page 3

Commodity Futures Trading Commission v. Sean Healy, Shalese Healy and Sand Dollar Investing Partners, LLC, Case No. 09-CV-1331, in the U.S. District Court for the Middle District of Pennsylvania (\$18 million securities and commodities fraud);

Federal Trade Commission v. On Point Global, LLC, et al., Case No. 19-CV-25046-SCOLA, in the U.S. District Court for the Southern District of Florida (multimillion-dollar internet business); and

Federal Trade Commission v. Consumer Collection Advocates, et al., Case No. 14-CV-62491-Bloom, in the U.S. District Court for the Southern District of Florida (multimillion-dollar consumer telemarketing fraud).

In all of these matters, we are working with or worked with the Commissions to investigate, monitor, operate and/or wind down the businesses of the defendants and report to the Court, and where appropriate, we marshaled all known assets, investigated claims against third parties, affiliates and insiders, pursued such claims through litigation or otherwise as necessary, liquidated real and personal property of substantial value inside the United States and abroad, and formulated and implemented claims processes and distribution plans for the benefit of the defrauded or otherwise harmed investors, customers, and creditors.

Given this extensive experience developed over nearly two decades, we are prepared to proceed immediately with any fiduciary appointment and I am confident that, if appointed, I will achieve the objectives of the District Court and the Commission.

In addition to being qualified to serve as Receiver, we have competitive rates and are prepared to work on a discounted hourly basis. Specifically, while the firm normally charges partner and of counsel time at \$500 to \$750 per hour, associate attorney time at \$250 to \$400 per hour, and non-attorney professional time at \$125 to \$175 per hour, we propose to handle this fiduciary matter at the discounted rates of \$395 for the Receiver and partners' time, \$375 for of counsels' time, \$200 to \$300 for associate attorneys' time, and \$75 to \$150 for non-attorney professionals' time. If appropriate, we will also explore with the Commission and the District Court alternative fee arrangements. Our entire team will utilize, as is prudent, administrative professionals, whose rates are much lower than those of our attorneys and will endeavor to keep all fees and expenses as low as is reasonably possible without compromising the successful outcome of the receivership.

Please let me know if I can provide any additional materials or information regarding our firm. I appreciate your considering me as a fiduciary for this matter.

Sincerely,

Alise Johnson, Esq.
U.S. Securities and Exchange Commission
July 18, 2023
Page 4

Melanie E. Damian

Melanie E. Damiannenclosures

ATTORNEY PROFILE



DAMIAN | VALORI | CULMO

Melanie E. Damian



Ms. Damian represents public and private companies and individuals in a variety of complex business and securities litigation. She regularly serves as court-appointed Federal Equity Receiver, Special Monitor, and distribution Agent, and also serves as Receiver and Monitor in state court matters. Ms. Damian also serves as counsel to Receivers serving in both state and federal court. She counsels companies on corporate governance matters and serves as counsel to special litigation committees performing internal investigations in response to shareholder derivative demands. She also represents officers and directors in corporate and securities litigation matters.

Ms. Damian represents a number of local and national developers in real estate and brokerage disputes and has represented national law firms in a variety of legal malpractice matters, including those involving allegations of malpractice in connection with failed advocacy, failed transactions, and the failure of financial institutions.

Ms. Damian also has substantial experience advising executives on contractual and compensation matters and litigating executive and general employment matters, including representation and counseling on behalf of national and local companies in discrimination and harassment claims. She also has experience in counseling clients and litigating issues concerning various employment-related issues, non-competition agreements, theft of trade secrets, hiring and firing policies, employment agreements, and employment manuals.

Ms. Damian is a Past Chair of the Business Law Section of The Florida Bar, President of the International Women's Forum (IWF) Florida Chapter, and served as Co-Chair of the IWF 2018 World Leadership Conference. Ms. Damian has received several professional acknowledgments. She is listed as one of the Top 50 Women Lawyers in the state of Florida by Florida Super Lawyers magazine. Ms. Damian has also been included in Florida Trend's Legal Elite and the South Florida Legal Guide since 2004.

Ms. Damian is active in child advocacy and is a founder of the non-profit Educate Tomorrow. Ms. Damian currently serves as Chair of the Board of the SEED School of Miami. Ms. Damian received numerous awards for her service including The 2011 Pro Bono Award for Child Advocacy from the Dade County Bar Association and Eleventh Judicial Circuit; The 2005 Florida Bar Association Young Lawyer Division Pro Bono Award; The Lawyers For Children 2005 John Edward Smith Award; 2006 Junior League of Miami, Inc. "Woman Who Make a Difference" award; "2007 Pepsi Everyday Freedom Hero Award" and "The Florida Bar President's 2008 Pro Bono Service Award, and the 2012 Florida Association of Women Lawyers (FAWL) "Mattie Belle Davis Award."

PROFILE AT A GLANCE

POSITION: Founding Partner

PRACTICE AREAS

- Business Litigation, Receivership, Officer & Director Liability, Corporate Governance Litigation, Securities Litigation, Real Estate Litigation, Professional Negligence Litigation, Employment Litigation

ADMITTED

- The Florida Bar, 1996
- The U.S. District Courts for the Southern & Middle Districts of Florida
- 11th Circuit Court of Appeals
- United States Supreme Court

ORGANIZATIONS & COMMITTEES

- The Florida Bar
 - Business Law Section, Past Chair
 - Federal Court Practice Committee, Past Chair
- SEED School of Miami: Chair of the Board
- Educate Tomorrow: Founder and Board Member

- International Women's Forum (IWF)
 - World Leadership Conference, Co-Chair
 - IWF Florida Chapter, President
- Women's Chamber of Commerce of Miami-Dade: Past President

ACKNOWLEDGEMENTS

- AV Rated by Martindale-Hubbell
- Florida Association of Women Lawyers (FAWL) - Mattie Belle Davis Award (2012)
- The Florida Bar President's Pro Bono Service Award (2008)
- South Florida Legal Guide (2004-Present)
- Florida Trend's Legal Elite (2004-Present)
- Florida Super Lawyer (2006-Present): Listed as Top 50 Women Lawyers and Top 100 Attorneys in Florida.

EDUCATION

- University of Wisconsin (B.A. 1991)
- University of Miami Law School (J.D. cum laude, 1996)

NOTABLE RECEIVERSHIP & CLASS COUNSEL CASES

FEDERAL EQUITY RECEIVERSHIPS

- ***Commodity Futures Trading Commission v. Daniel Fingerhut, et al.***, Case No. 1:20-cv-21887-GAYLES, for the U.S. District Court for the Southern District of Florida, Court-Appointed Receiver
- ***Commodity Futures Trading Commission v. Rajiv Patel, et al.***, Case No. 22-cv-80092-DMM, for the U.S. District Court for the Southern District of Florida, Court-Appointed Receiver
- ***Federal Trade Commission v. On Point Global LLC, et al.***, Case No. 19-CV-25046, U.S. District Court, Southern District of Florida, Court-Appointed Receiver
- ***Securities and Exchange Commission v. Today's Growth Consultant, Inc., et al.***, Case No. 1:19-CV-08454, U.S. District Court, Northern District of Illinois, Eastern Division, Court-Appointed Receiver.
- ***Commodity Futures Trading Commission v. Timothy Joseph Atkinson, et al.***, Case No. 18-23992-CIV- MARTINEZ/AOR-OTAZO-REYES, for the U.S. District Court for the Southern District of Florida, Court-Appointed Receiver
- ***Securities and Exchange Commission v. Onix Capital LLC, et al.***, Case No. 16-CV-24678-COOKE/TORRES, U.S. District Court for the Southern District of Florida, Court-Appointed Receiver (www.OnixReceivership.com)
- ***Federal Trade Commission v. Consumer Collection Advocates, et al.***, Case No. 14-62491-CIV- BLOOM, U.S. District Court for the Southern District of Florida, Court-Appointed Receiver (www.ccareceivership.com)
- ***Commodity Futures Trading Commission v. Worth Group, Inc., et al.***, (Case No. 9:13-cv-80796-KLR), U.S. District Court for the Southern District of Florida, Court-Appointed Corporate Monitor (www.worthmonitor.com)
- ***Commodity Futures Trading Commission v. Hunter Wise Commodities, LLC et al.***, Case No. 9:12-cv-81311-DMM, U.S. District Court for the Southern District of Florida, Court-Appointed Corporate Monitor
- ***Securities and Exchange Commission v. We the People Inc. of the United States***, Case No. 2:13-cv-14050-JEM, U.S. District Court for the Southern District of Florida, Court-Appointed Receiver
- ***Securities and Exchange Commission v. Aubrey Lee Price et al.; PFG LLC et al.***, Case No. 1:12-cv-2296-TCB, U.S. District Court for the Northern District of Georgia, Court-Appointed Receiver
- ***Securities and Exchange Commission v. Marc Roup et al.***, Case No. 09-CD-01685, Western District of Pennsylvania, Court-Appointed Receiver
- ***Securities and Exchange Commission v. Sean Healy, et al.***, Case No. 1:09-CV-1330, U.S. District Court, Middle District, Pennsylvania, Court-Appointed Receiver
- ***Commodity and Futures Trading Commission v. Sean Nathan Healy, et al.***, Case No. 1:09-CV-1331, U.S. District Court, Middle District, Pennsylvania, Court-Appointed Receiver
- ***Securities and Exchange Commission v. Concorde America, Inc., et al.***, Case No. 05-80128-CIV-ZLOCH/SNOW, U.S. District Court, Southern District, Miami Division, Court-Appointed Distribution Agent
- ***Securities and Exchange Commission v. Bio-Heal Laboratories, Inc., et al.***, Case No. 05-21116-CIV-SEITZ/ O'SULLIVAN, U.S. District Court, Southern District, Miami Division, Court-Appointed Distribution Agent
- ***Securities and Exchange Commission v. Charles O. Morgan, Jr., as Personal Representative of the Estate of Frederick J. Kunen***, Case No. 07-22204-CIV-GOLD/TURNOFF, U.S. District Court, Southern District, Miami Division, Counsel for Receiver

NOTABLE RECEIVERSHIP & CLASS COUNSEL CASES

STATE COURT RECEIVERSHIPS

- **National Concrete Preservation, INC. v. Mirador Master Association, INC., et al.** Case No. 20-25266-CA-01, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Emergency Temporary Receiver
- **Nick Norwood vs. Eurosport Active World Corp. and Ralph Hofmeier, Case** No. 2010-058982-CA-01, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- **Global Airways, LTD., et al. v. Aviation Precision Technology, Inc., et al.**, Case No. 2021-16946-CA-01, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- **Las Estrellas Condominium Association, Inc. v. Joel D. Vega, et al.**, Case No. 15-2310-CA-08, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- **South Beach 18, LLC, et al. v. Tziyona Cohen**, Case No. 18-023532, Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida, Court-Appointed Custodian
- **Benjany Viera v. Klever Ontaneda**, Case No. 12-5693-FC-04, Eleventh Judicial Circuit in and for Miami-Dade County Florida, Family Division, Court-Appointed Receiver
- **Estate of Robert Warren Meddoff, Deceased**, Case No. PRC-130005341, Seventeenth Judicial Circuit in and for Broward County, Florida, Probate Division, Court-Appointed Curator
- **Spenzi v. Green**, Case No. 13-0225945 FC 04, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- **Fannie Mae v. Residences at 107 Avenue, Inc.**, Case No. 11-14926 CA32, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- **Wauchula State Bank v. Ridobel Gonzalez et al.**, Case No. 10-37523 CA-13, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- **U.S. Mortgage Finance II, LLC v. 3079 Aventura Lakes, LLC**, Case No. 09-59337CA13, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- **BAC Florida Bank, a Florida Chapter Bank v. 1910 Island, LLC, et al.**, Case No. 09-59348CA13, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- **State of Florida Office of Financial Regulations v. Robert Kurland Mortgage Co., Inc.**, Case No. 05-11974 CA 30, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- **U.S. Mortgage Finance II, LLC v. 1406 Mystic Point, LLC**, Case No. 09-59351 CA 13, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Receiver
- **Amanecer Investment Company, LLC v. Amanecer Christian Network, Inc., et al.**, Case No. 06-7931-CA-31, Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida, Counsel for Receiver

CLASS ACTIONS CLASS COUNSEL

- **Florian de Alencar Filho v. Mony Life Ins. Co. of the Americas, Ltd**, Case No. 06-23093-CA-21, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Court-Appointed Class Counsel
- **Nancy Butler-Jones, and Hywel Jones, Nelson I. Del Toro, Mehmet Sahin, Linda Meyers, and William Davis v. Sterling Casino Lines, L.P., et al.** Case No. 6:08-cv-01186- ACC-DAB, U.S. District Court, Middle District, Orlando Division, Court-Appointed Class Counsel
- **Guillermo Santacruz, et al. v. Velocity Express Corporation, Velocity Express Leasing, Inc.**, Case No. 1:08-cv-21591-WMH, U.S. District Court, Southern District, Miami Division, MDL-Class Counsel

Kenneth Dante Murena



Mr. Murena is a Federal Court-appointed Receiver, Receiver's counsel, and business litigator with extensive experience in both Federal and State Court, at the trial and appellate levels. He has spent most of his career representing Federal and State Court-appointed Receivers, Monitors, and other fiduciaries, as well as defrauded investors, in government enforcement actions brought by the SEC, CFTC and FTC based on securities, commodities and consumer fraud and in asset recovery litigation and class actions arising therefrom.

Mr. Murena also represents investors, who were defrauded in connection with seeking permanent residency under the federal EB-5 program, in actions against the perpetrators of the fraudulent schemes and SEC whistleblower proceedings. In addition to representing defrauded investors, Mr. Murena represents individuals, small businesses, and public companies in litigation matters involving financial fraud, business torts, secured transactions, and real property.

In Bankruptcy Court, Mr. Murena routinely represents Trustees in bankruptcy cases and adversary proceedings and has represented a broad range of interests in Chapter 11 reorganizations and liquidations, including Liquidating Trustees, Creditors Committees, individual and corporate creditors, and corporate debtors-in-possession. And, in Assignment for the Benefit of Creditors proceedings, Mr. Murena has significant experience serving as (i) the Assignee, tasked with operating, winding down or selling the subject company, liquidating its assets, and distributing the proceeds to creditors, (ii) counsel for the subject company, and (iii) counsel for the purchaser of the subject company or its assets.

After graduating from law school in 1998, Mr. Murena served as the Law Clerk to the Honorable Paul G. Hyman, Jr., United States Bankruptcy Judge for the Southern District of Florida. Subsequently, he joined a prominent Miami-based law firm and focused his practice on complex commercial litigation, receiverships and bankruptcy.

Mr. Murena was admitted to the Florida Bar in 1998 and is licensed to practice in all state and federal courts in Florida and the United States Courts of Appeals for the Third and Eleventh Circuits. Mr. Murena received his law degree from the University of Florida College of Law (J.D., 1998), where he served as the Senior Articles Editor of the Florida Law Review. He received his undergraduate degree from the University of Florida College of Liberal Arts & Sciences (B.A., with honors, Phi Beta Kappa, 1995), graduating in the top 1% of his class.

PROFILE AT A GLANCE

POSITION: Partner

PRACTICE AREAS

- Receivership & Other Fiduciary Services
- Investor Fraud & Whistle Blower Advocacy
- Business & Commercial Fraud Litigation
- Securities, Commodities & Consumer Fraud Litigation
- Bankruptcy & Creditors' Rights

ADMITTED TO PRACTICE

- The Florida Bar (1998)
- The United States District Courts for Southern, Middle & Northern Districts of Florida (1999)
- The United States Courts of Appeals for the Third & Eleventh Circuits (2001)

PROFESSIONAL & COMMUNITY ORGANIZATIONS

- The Florida Bar Business Law Section: Bankruptcy and UCC Committee- Vice-Chair, Uniform Commercial Real Estate Receivership Act Task Force-Former Chair
- National Association of Federal Equity Receivers: Nominating Committee-Member, Judicial Outreach Committee-Member, Regulatory Outreach Committee-Former Co-Chair
- Federal Bar Association-Member
- American Bankruptcy Institute: Commercial Fraud Committee - Former Special Projects Director
- Bankruptcy Bar Association-Member

- Dade County Bar Association: Federal Courts Committee-Member
- Educate Tomorrow

ACKNOWLEDGEMENTS

- AV Preeminent® Rated by Martindale-Hubbell® (2022)
- Best Lawyers in America (2018-2022)
- Florida Trend - Florida Legal Elite (2009)
- Florida Super Lawyers (2010)

PUBLICATIONS

- Contributing Author (2015). Fraud and Forensics: Piercing Through the Deception in a Commercial Fraud Case. Alexandria, VA: American Bankruptcy Institute.
- Litigating Commercial Cases in Bankruptcy Court, Chapter 19, Business Litigation In Florida, (10th ed. 2019).
- The Dodd-Frank Act, the CFTC's Crackdown on Off-Exchange Financed Commodity Transactions, and the Role of the Court-Appointed Fiduciary, THE RECEIVER (Issue 2, Sept. 2013).

EDUCATION

- University of Florida College of Law (J.D., Law Review, 1998)
- Georgetown University Law Center - International Law Program (Summer 1997)
- University of Florida College of Liberal Arts & Sciences (B.A., with honors, Phi Beta Kappa, 1995)

REPRESENTATIVE CASES

FEDERAL COURT RECEIVERSHIPS AND MONITORSHIPS

- *Securities and Exchange Commission v. Todays Growth Consultant, LLC d/b/a The Income Store, et al.*, Case No. 19-CV-08454-ARW, in the U.S. District Court for the Northern District of Illinois (IncomeStoreReceivership.com) (\$100+ million securities fraud) (Counsel for Court-Appointed Receiver)
- *Federal Trade Commission v. On Point Global, LLC, et al.*, Case No. 19-CV-25046-SCOLA, in the U.S. District Court for the Southern District of Florida (multi-million dollar internet business) (Counsel for Court-Appointed Receiver)
- *Commodity Futures Trading Commission v. Timothy Joseph Atkinson, et al.*, Case No. 18-CV-23992-JEM, in the U.S. District Court for the Southern District of Florida (\$30 million binary options affiliate marketing fraud – www.allinpublishingreceivership.com)
- *U.S. Commodity Futures Trading Commission v. Jason B. Scharf, et al.*, Case No. 17-cv-774-J-32MCR, U.S. District Court for the Middle District of Florida (www.BinaryOptionsReceivership.com)
- *U.S. Securities and Exchange Commission v. Onix Capital LLC, et al.*, Case No. 16-CV-24678-COOKE/TORRES, U.S. District Court for the Southern District of Florida, (www.OnixReceivership.com)
- *U.S. Federal Trade Commission v. Consumer Collection Advocates, et al.*, Case No. 14-62491-CIV-BLOOM, U.S. District Court for the Southern District of Florida, (www.ccareceivership.com)
- *U.S. Commodity Futures Trading Commission v. Worth Group, Inc., et al.*, (Case No. 9:13-cv-80796-KLR), U.S. District Court for the Southern District of Florida (www.worthmonitor.com) (\$30 million commodities fraud investigation)
- *U.S. Securities and Exchange Commission v. We the People Inc., of the United States* (Case No. 2:13-cv-14050-JEM), U.S. District Court for the Southern District of Florida (www.wethepeoplereceivership.com) (\$75 million securities fraud investigation)
- *U.S. Commodity Futures Trading Commission v. Hunter Wise Commodities, LLC, et al.* (Case No. 9:12-cv 81311-DMM), U.S. District Court for the Southern District of Florida (www.hunterwisemanager.com) (\$150 million commodities fraud investigation)
- *U.S. Securities and Exchange Commission v. Aubrey Lee Price, et al.* (Case No. 1:12-cv-2296-TCB), U.S. District Court for the Northern District of Georgia (www.pfgreceivership.com) (\$55 million securities fraud)
- *U.S. Securities and Exchange Commission v. Marc Roup, et al.* (Case No. 09-CD-01685), in the U.S. District Court for the Western District of Pennsylvania (\$5 million securities fraud)
- *U.S. Securities and Exchange Commission v. Sean Nathan Healy, et al.* (Case No. 09-CV-1130), U.S. District Court for the Middle District of Pennsylvania (www.healyreceivership.com) (\$18 million securities fraud)
- *U.S. Commodity Futures Trading Commission v. Sean Nathan Healy, et al.* (Case No. 09-CV-1331), U.S. District Court for the Middle District of Pennsylvania (www.healyreceivership.com) (\$18 million commodities fraud)
- *U.S. Securities and Exchange Commission v. Charles O. Morgan, as Personal Representative of the Estate of Frederick J. Kunen* (Case No. 07-22204-CIV-Gold/Turnoff), U.S. District Court for the Southern District of Florida (www.optionstradingfraud.com) (\$15 million securities fraud)
- *U.S. Securities and Exchange Commission v. Terry E. Provence and DT Capital, LLC* (Case No. 07-23167-Gold/Turnoff), U.S. District Court for the Southern District of Florida (www.optionstradingfraud.com) (\$15 million securities fraud)
- *U.S. Securities and Exchange Commission v. Viatical Capital, Inc., et al.* (Case No. 03-CV-1895-T-23-TGW), U.S. District Court for the Middle District of Florida (www.lifereceivership.com) (\$50 million securities fraud)
- *U.S. Securities and Exchange Commission v. Pension Fund of America, L.C., et al.* (Case No. 05-20863-CIV-Moore), U.S. District Court for the Southern District of Florida (www.pfareceivership.com) (\$75 million securities fraud)

STATE COURT RECEIVERSHIPS & OTHER FIDUCIARY APPOINTMENTS

- *Towerhouse Condominium, Inc. v. Taicher, et al.; Taicher v. Taicher, et al.*, Case No. 2018-018522-CA-01, in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida (Court-Appointed Special Magistrate)
- *Janett Poll Sarlabous v. Constantino Bagatelas Kouranov, et al.*, Case No. 18-010087-CA-01, in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida (Counsel for Court-Appointed Custodian)
- *South Beach 18, LLC, et al. v. Tziyona Cohen, et al.*, Case No. 18-023532, Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida, Court-Appointed Custodian
- *Julieta Spenzi v. Joseph Green*, Case No. 13-025945-FC-04, Eleventh Judicial Circuit in and for Miami-Dade County, Florida
- *Benjany Viera v. Klever Ontaneda*, Case No. 12-5693-FC-04, Eleventh Judicial Circuit in and for Miami-Dade County, Florida
- *Fannie Mae v. Residences at 107 Ave., Inc.*, (Case No. 11-14926 CA 32), Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida
- *Marimon v. Marimon* (Case No. 11-4696 FC 04), Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida

REPRESENTATIVE CASES

STATE COURT RECEIVERSHIPS & OTHER FIDUCIARY APPOINTMENTS

- *U.S. Mortgage Finance II, LLC v. 3079 Aventura Lakes, LLC* (Case No. 09-59337 CA 13), Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida
- *U.S. Mortgage Finance II, LLC v. 1406 Mystic Point, LLC* (Case No. 09-59351 CA 13), Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida
- *BAC Florida Bank, a Florida Chartered Bank v. 1910 Island LLC, et al.* (Case No. 09-59348 CA 02), Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida
- *Amanecer Investment Company, LLC v. Amanecer Christian Network, Inc., et al.* (Case No. 05-11974 CA 30), Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida
- *State of Florida Office of Financial Regulations v. Robert Kurland Mortgage Co., Inc.*, Case No. 05-11974 CA 30, Eleventh Judicial Circuit in and for Miami-Dade County, Florida

BANKRUPTCY & CREDITORS' RIGHTS

Trustees: Mr. Murena represents court-appointed Chapter 7 and Chapter 11 bankruptcy trustees and liquidating trustees in corporate liquidations and reorganizations in bankruptcy court.

Creditors' Rights: Mr. Murena represents various creditor interests in Chapter 11 reorganizations and converted liquidations, including individual creditors, corporate creditors, banks and other lending institutions, private lenders, and corporate landlords seeking to enforce their rights and recover from debtors pursuant to multi-million dollar debts. See, e.g., *E.S. Bankest, LLC v. United Beverage Florida, LLC* (In re United Container, LLC), 284 B.R. 162 (Bankr. S.D. Fla. 2002).

Debtor Reorganization: Mr. Murena has represented individual and corporate debtors-in-possession, including national and international corporations and real estate developers, in Chapter 11 reorganizations involving tens of millions of dollars in debt.

ASSIGNMENTS FOR THE BENEFIT OF CREDITORS

Mr. Murena serves as the Fiduciary in Assignment for the Benefit of Creditors (ABC) state court proceedings involving companies seeking to sell their businesses as going concerns or liquidate their assets and inventory and wind down their operations. Mr. Murena also represents the companies that are the subject of the ABC proceedings and the individuals or companies who endeavor to purchase those companies and/or their assets in the ABC proceedings.

LITIGATION & APPEALS

Mr. Murena has extensive experience handling a broad range of litigation matters in U.S. District Courts, U.S. Bankruptcy Courts, and State Circuit Courts throughout Florida. He routinely represents federal and state court-appointed equity receivers in fraud and other litigation matters arising from private civil actions and government enforcement actions and related receiverships. Mr. Murena has represented class representatives in class actions arising from federal equity receivership and defendants in enforcement actions brought by the Securities & Exchange Commission, the Commodity Futures Trading Commission and the Federal Trade Commission. He has also represented individual and corporate creditors in various bankruptcy litigation matters. Mr. Murena has significant litigation and trial experience representing individual and corporate plaintiffs and defendants in fraudulent transfer actions, alter-ego/piercing-the-corporate veil actions, successor liability actions, and actions seeking injunctive and declaratory relief. See, e.g., *Harbaugh v. Greslin, et al.*, 436 F. Supp. 2d 1315 (S.D. Fla. 2006), *aff'd* 218 Fed. Appx. 950 (11th Cir. 2007). Mr. Murena has also successfully handled a number of appeals to the U.S. Courts of Appeals for the Third and Eleventh Circuits, as well as to District Courts of Appeals in Florida. See, e.g., *Flemming v. Air Sunshine, Inc.*, 311 F.3d 282 (3d Cir. 2002).

Among his more notable litigation matters, Mr. Murena worked on the legal team that represented class representatives in a class action filed in the billion dollar Mutual Benefits Corporation federal equity receivership arising from the enforcement action styled *SEC v. Mutual Benefits Corp., et al.* (Case No.: 04-60573-CIV-Moreno), brought in the U.S. District Court for the Southern District of Florida (www.mbcreceiver.com). After less than one year of litigation, class representatives and all members of the class recovered \$85 million dollars – a 100% recovery. Mr. Murena also worked on the legal team that represented the estate of a prominent south Florida businessman in the half billion fraudulent transfer action arising from the leveraged buyout of an international airplane leasing company that had filed for Chapter 11 reorganization. He also worked on the legal team that successfully defended a prominent Miami-based international law firm in a half billion legal malpractice case that arose from the collapse of Florida's then-second largest bank.